

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 4, by inserting
2 after all of said section and line, the following:

3
4 "43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] website on the
5 internet which shall be open to the public and shall include a registered sexual offender search
6 capability.

7 2. The registered sexual offender search shall make it possible for any person using the
8 internet to search for and find the information specified in subsection 4 of this section, if known, on
9 offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons
10 who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or
11 conspiring to commit sexual offenses shall be included on this website.

12 3. The registered sexual offender search shall include the capability to search for sexual
13 offenders by name, zip code, and by typing in an address and specifying a search within a certain
14 number of miles radius from that address.

15 4. Only the information listed in this subsection shall be provided to the public in the
16 registered sexual offender search:

- 17 (1) The name and any known aliases of the offender;
18 (2) The date of birth and any known alias dates of birth of the offender;
19 (3) A physical description of the offender;
20 (4) The residence, temporary, work, and school addresses of the offender, including the
21 street address, city, county, state, and zip code;
22 (5) Any photographs of the offender;
23 (6) A physical description of the offender's vehicles, including the year, make, model, color,
24 and license plate number;
25 (7) The nature and dates of all offenses qualifying the offender to register;
26 (8) The date on which the offender was released from the department of mental health,
27 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the
28 offender to register;
29 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
30 (10) Any online identifiers, as defined in section 43.651, used by the person. Such online
31 identifiers shall not be included in the general profile of an offender on the [web page] website and
32 shall only be available to a member of the public by a search using the specific online identifier to
33 determine if a match exists with a registered offender.

34 5. Beginning August 28, 2013, no offender's information whose offense was committed in
35 the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the
36 website. Effective August 28, 2013, any offender currently on the website who was required to
37 register as a sex offender under section 589.400, based on an offense that occurred when such

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1 offender was a juvenile shall be immediately removed from the website. For purposes of this
 2 subsection, "juvenile" shall mean any person under eighteen years of age."; and
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4 Further amend said bill, Page 8, Section 570.120, Line 78, by inserting after all of said section and
 5 line, the following:
 6

7 "589.400. 1. Sections 589.400 to 589.425 shall apply to:

8 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
 9 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to
 10 commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking
 11 of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless
 12 such person is [exempted] exempt from registering under subsection [8] 9 of this section; or

13 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
 14 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to
 15 commit one or more of the following offenses: kidnapping when the victim was a child and the
 16 defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when
 17 such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is
 18 not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing
 19 home, under section 565.200; endangering the welfare of a child under section 568.045 when the
 20 endangerment is sexual in nature; genital mutilation of a female child, under section 568.065;
 21 promoting prostitution in the first degree; promoting prostitution in the second degree; promoting
 22 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the
 23 first degree; promoting child pornography in the second degree; possession of child pornography;
 24 furnishing pornographic material to minors; public display of explicit sexual material; coercing
 25 acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for
 26 minors or obscenity in the second degree; incest; use of a child in a sexual performance; or
 27 promoting sexual performance by a child; or

28 (3) Any person who, since July 1, 1979, has been committed to the department of mental
 29 health as a criminal sexual psychopath; or

30 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
 31 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

32 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who
 33 has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing,
 34 attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more
 35 severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt
 36 or conspiracy to commit such offense;

37 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
 38 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18
 39 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

40 (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
 41 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign
 42 country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or
 43 conspiring to commit an offense which, if committed in this state, would be a violation of chapter
 44 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is
 45 required to register in another state or has been or is required to register under tribal, federal, or
 46 military law unless such person's name has been removed from the registry pursuant to subsection 4
 47 of this section and such person has not been found guilty of a subsequent offense requiring
 48 registration under this section; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration;
- (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or
- (4) The registrant may petition the court for removal or exemption from the registry under subsection [7 or 8] 4, 8, or 9 of this section and the court orders the removal or exemption of such person from the registry.

4. Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of this section may file a petition for removal from the registry after five years have passed from the later of the date the offender was found guilty of the offense that requires registration or the date the person was released from custody for such offense. The petition may be filed in the circuit court in the county in which the person was found guilty of the offense, or, if the offense was adjudicated outside the state, the person may file a petition in the circuit court in the county in which the person resides after such person has been a resident of Missouri for at least five years prior to filing the petition. The court shall grant the petition and enter an order directing the removal of the petitioner's name and information from the sexual offender registry unless it finds that the petitioner, in this state or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military jurisdiction:

- (1) Has been adjudicated of, or has charges pending, for failure to register;
- (2) Has been adjudicated of, or has charges pending for, any additional offense which would require registration as a sexual offender under this section, or section 211.425, and which occurred after the date such person initially registered as a sexual offender;
- (3) Has not successfully completed any required period of supervised release, probation, or parole; or
- (4) If the petitioner's offense was adjudicated outside the state, such person has not been a resident of Missouri for at least five years prior to filing the petition.

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2 If the petition was not granted solely because the petitioner had charges pending for failure to
3 register or an additional offense that would require registration and such charges are subsequently
4 dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at
5 any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of
6 guilt for an offense that would require registration under this section, or section 211.425, no
7 successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the
8 person may file a new petition after five years have passed from the date the person was found guilty
9 for failure to register. If the denial is based on the petitioner not completing a required period of
10 supervised release, probation, or parole and the petitioner subsequently completes the period of
11 supervised release, probation, or parole, then the person may file a new petition at any time after
12 completing such period of release, probation, or parole. If the petition is denied because the
13 petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of
14 Missouri for at least five years prior to filing the petition, such person may file a new petition at any
15 time after residing in the state for the required five-year period. Beginning August 28, 2013,
16 information regarding any person whose offense was committed in Missouri, or in any other state,
17 when such person was under eighteen years of age shall be immediately removed from the highway
18 patrol's website created under section 43.650 and any local law enforcement website allowed under
19 section 589.402 regardless of whether such person has a petition granted under this subsection.

20 5. For processing an initial sex offender registration the chief law enforcement officer of the
21 county or city not within a county may charge the offender registering a fee of up to ten dollars.

22 [5.] 6. For processing any change in registration required pursuant to section 589.414 the
23 chief law enforcement official of the county or city not within a county may charge the person
24 changing their registration a fee of five dollars for each change made after the initial registration.

25 [6.] 7. Any person currently on the sexual offender registry for being convicted of, found
26 guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring
27 to commit, felonious restraint when the victim was a child and he or she was the parent or guardian
28 of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when
29 the victim was a child and he or she was the parent or guardian of the child shall be removed from
30 the registry. However, such person shall remain on the sexual offender registry for any other offense
31 for which he or she is required to register under sections 589.400 to 589.425.

32 [7.] 8. Any person currently on the sexual offender registry for having been convicted of,
33 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or
34 conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third
35 degree, public display of explicit sexual material, statutory rape in the second degree, and no
36 physical force or threat of physical force was used in the commission of the crime may file a petition
37 in the civil division of the circuit court in the county in which the offender was convicted or found
38 guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to
39 commit the offense or offenses for the removal of his or her name from the sexual offender registry
40 after ten years have passed from the date he or she was required to register.

41 [8.] 9. Effective August 28, 2009, any person on the sexual offender registry for having been
42 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under
43 subsection 1 of this section may file a petition after two years have passed from the date the offender
44 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the
45 civil division of the circuit court in the county in which the offender was convicted or found guilty of
46 or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the
47 registry if such person was nineteen years of age or younger and the victim was thirteen years of age
48 or older at the time of the offense and no physical force or threat of physical force was used in the

1 commission of the offense, unless such person meets the qualifications of this subsection, and such
 2 person was eighteen years of age or younger at the time of the offense, and is convicted or found
 3 guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or
 4 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a
 5 petition to remove or exempt his or her name from the registry upon his or her conviction or finding
 6 or pleading of guilty or nolo contendere to such offense.

7 [9.] 10. (1) The court may grant such relief under subsection [7] 8 or [8] 9 of this section if
 8 such person demonstrates to the court that he or she has complied with the provisions of this section
 9 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court
 10 in which the petition is filed must be given notice, by the person seeking removal or exemption from
 11 the registry, of the petition to present evidence in opposition to the requested relief or may otherwise
 12 demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or
 13 exemption from the registry to notify the prosecuting attorney of the petition shall result in an
 14 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or
 15 she shall make reasonable efforts to notify the victim of the crime for which the person was required
 16 to register of the petition and the dates and times of any hearings or other proceedings in connection
 17 with that petition.

18 (2) If the petition is denied, such person shall wait at least twelve months before petitioning
 19 the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts
 20 such person's name from the registry, a certified copy of the written findings or order shall be
 21 forwarded by the court to the chief law enforcement official having jurisdiction over the offender
 22 and to the Missouri state highway patrol in order to have such person's name removed or exempted
 23 from the registry.

24 [10.] 11. Any nonresident worker or nonresident student shall register for the duration of
 25 such person's employment or attendance at any school of higher education and is not entitled to relief
 26 under the provisions of subsection [9] 10 of this section. Any registered offender from another state
 27 who has a temporary residence in this state and resides more than seven days in a twelve-month
 28 period shall register for the duration of such person's temporary residency and is not entitled to the
 29 provisions of subsection [9] 10 of this section.

30 [11.] 12. Any person whose name is removed or exempted from the sexual offender registry
 31 under subsection [7] 8 or [8] 9 of this section shall no longer be required to fulfill the registration
 32 requirements of sections 589.400 to 589.425, unless such person is required to register for
 33 committing another offense after being removed from the registry.

34 589.402. 1. The chief law enforcement officer of the county or city not within a county may
 35 maintain a [web page] website on the internet, which shall be open to the public and shall include a
 36 registered sexual offender search capability.

37 2. The registered sexual offender search shall make it possible for any person using the
 38 internet to search for and find the information specified in subsection 3 of this section, if known, on
 39 offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons
 40 who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or
 41 conspiring to commit sexual offenses shall be included on this website.

42 3. Only the information listed in this subsection shall be provided to the public in the
 43 registered sexual offender search:

- 44 (1) The name and any known aliases of the offender;
- 45 (2) The date of birth and any known alias dates of birth of the offender;
- 46 (3) A physical description of the offender;
- 47 (4) The residence, temporary, work, and school addresses of the offender, including the
- 48 street address, city, county, state, and zip code;

- 1 (5) Any photographs of the offender;
- 2 (6) A physical description of the offender's vehicles, including the year, make, model, color,
- 3 and license plate number;
- 4 (7) The nature and dates of all offenses qualifying the offender to register;
- 5 (8) The date on which the offender was released from the department of mental health,
- 6 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the
- 7 offender to register;
- 8 (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425;
- 9 and
- 10 (10) Any online identifiers, as defined in section 43.651, used by the person. Such online
- 11 identifiers shall not be included in the general profile of an offender on the [web page] website and
- 12 shall only be available to a member of the public by a search using the specific online identifier to
- 13 determine if a match exists with a registered offender.

14 4. The chief law enforcement officer of any county or city not within a county may publish

15 in any newspaper distributed in the county or city not within a county the sexual offender

16 information provided under subsection 3 of this section for any offender residing in the county or

17 city not within a county.

18 5. Beginning August 28, 2013, no offender's information whose offense was committed in

19 the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the

20 website. Effective August 28, 2013, any offender currently on the website who was required to

21 register as a sex offender under section 589.400, based on an offense that occurred when such

22 offender was a juvenile shall be immediately removed from the website. For purposes of this

23 subsection, "juvenile" shall mean any person under eighteen years of age."; and

24

25 Further amend said bill by amending the title, enacting clause, and intersectional references

26 accordingly.

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